

OPINION
56-68

February 14, 1956 (OPINION)

INSTITUTIONS

RE: Patients - Reimbursement to State or County by Guardianship Esta

This is in reply to your letter of February 9, 1956, pertaining to reimbursement by a guardianship estate of expenses incurred by any county or by the state for treatment and maintenance of any patient at the state hospital, state school or state sanatorium. You set forth a hypothetical question as follows:

Supposing that John Jones is committed to the State Hospital from Cass County and Cass County has to pay for his keep at the rate of \$45.00 per month and assuming that John Jones has an estate and a guardian is appointed for him, can the guardian reimburse the County for the \$45.00 per month at any time or must the guardian wait until the ward is discharged from the hospital or dies?"

Whether or not the full amount should be collected from a guardianship estate before discharge or death of the incompetent is governed by section 25-0824 of the North Dakota Revised Code of 1943, which provides that the expenses incurred by any county or by the state for treatment and maintenance of any patient at the state hospital, state school or state sanatorium shall be charged against the guardianship estate of such patient, if he has such an estate, subject to the restrictions therein stated.

Section 25-0824 is specific in that expenses of institutional care shall be charged against the guardianship estate subject only to the restrictions set forth in subdivisions 1, 2 and 3 of the statute. Section 25-0826 of the 1953 Supplement reads as follows:

Such expenses may be collected from such patients after they have been discharged from such institutions as cured; or from their estates after they are dead",

And section 25-0825 of the 1953 Supplement reads, in part, as follows:

Such expenses may be received from a person who has been a patient in any such institution after such person has been discharged from such institution as cured."

It is our opinion that the above-quoted provisions of sections 25-0825 and 25-0826 were enacted to establish additional authority for collection of expenses of institutional care rather than to impose further restrictions on the authority and duty to collect such expenses pursuant to section 25-0824.

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